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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DAVID PONCE,
Plaintiff,
vs.

HANFORD POLICE HPD, a public entity;
OFFICER BRIAN SCANDURA, in his
individual and official capacity, and DOES 1-
50, inclusive, Jointly and Severally,
Defendants.

Case No.: 1:21-cv-01045-DAD-BAM

**STIPULATION AND ~~[PROPOSED]~~
ORDER FOR EXTENSION OF TIME TO
FILE RESPONSE TO FIFTH AMENDED
COMPLAINT**

(L.R. 144)

Pursuant to Local Rule 144, Defendants, HANFORD POLICE and OFFICER BRIAN SCANDURA (collectively “Defendants”) and Plaintiff, DAVID PONCE (“Plaintiff”), by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, Plaintiff filed his Fifth Amended Complaint on December 31, 2022, and Defendants were served following the filing;

WHEREAS, Defendants currently have until January 20, 2023 to respond to the Fifth Amended Complaint;

WHEREAS, Defendants intend to file a Motion to Dismiss under Federal Rule 12(b)(6) and Defendants have requested, and Plaintiff has consented to, an additional thirty-five (35) days for Defendants’ response to the Fifth Amended Complaint; and

WHEREAS, an additional thirty-five (35) days for Defendants’ response to the Fifth Amended Complaint will be past the Mandatory Scheduling Conference which is currently set for February 1, 2023.

1 THEREFORE, IT IS HEREBY STIPULATED by and among the parties, through their
2 respective counsel, that Defendants shall answer or otherwise respond to the Fifth Amended
3 Complaint on February 24, 2023.

4 THEREFORE, IT IS FURTHER STIPULATED by and among the parties through their
5 respective counsel, that the Court continue the Mandatory Scheduling Conference which is
6 currently set for February 1, 2023.

7 This Stipulation is made for good cause and not for purposes of delay.

8 Dated: January 20, 2023 SIAS LAW INC.

9
10 By: /s/ Jason O. Sias
Jason O. Sias
11 Attorneys for: David Ponce

12 Dated: January 20, 2023 GRISWOLD, LaSALLE, COBB,
13 DOWD & GIN, L.L.P.

14 By: /s/ Christina G. Di Filippo
15 CHRISTINA G. DI FILIPPO
Attorneys for: City of Lindsay and City of Coalinga

16 **ORDER**

17 Pursuant to the foregoing stipulation of the parties, and for good cause shown, it is hereby
18 ORDERED that the deadline for Defendants HANFORD POLICE and OFFICER BRIAN
19 SCANDURA to respond to Plaintiff's Fifth Amended Complaint is extended to and including
20 **February 24, 2023.**

21 IT IS FURTHER ORDERED that the Mandatory Scheduling Conference currently set
22 for February 1, 2023 is continued to **March 23, 2023 at 9:30 AM in Courtroom 8 (BAM)**
23 **before Magistrate Judge Barbara A. McAuliffe.** The Parties will file a Joint Report in
24 accordance with the requirements set for in the Court's Order dated February 10, 2022 (Doc. 19).
25 IT IS SO ORDERED.

26 Dated: January 20, 2023

/s/ Barbara A. McAuliffe
27 UNITED STATES MAGISTRATE JUDGE
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